

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES LA VERN HOWARD,
on behalf of himself and all
similarly situated prisoners,

Plaintiff,

Case No. 5:02-cv-93

v

Hon. Wendell A. Miles

CHIEF JUDGE WILLIAM C. WHITBECK
and CHIEF JUSTICE MAURA D. CORRIGAN,
in their official capacities,

Defendants.

ORDER ON REMAND

In this action filed under 42 U.S.C. § 1983, the plaintiff, a Michigan prisoner, challenged the constitutionality of a Michigan statute which requires prisoners to pay certain fees before filing civil actions or appeals. The matter is currently before the court on remand – for a second time – from the United States Court of Appeals for the Sixth Circuit. In its decision on plaintiff's second appeal, the appellate court determined that the case had become moot because plaintiff had been released on parole. The appellate court remanded the case to this court with instructions to dismiss it as moot.

In accordance with the decision issued by the United States Court of Appeals for the Sixth Circuit:

IT IS HEREBY ORDERED that this case is DISMISSED as moot.

So ordered this 20th day of March, 2007.

/s/ Wendell A. Miles
Wendell A. Miles, Senior Judge